

From: jtg@cypress.com@inetgw
To: Microsoft ATR
Date: 1/24/02 1:39pm
Subject: Microsoft Settlement

Sirs:

This e-mail is a response to a request for public comments by the court hearing the case U.S. v. Microsoft. I understand the request for comments is a part of the penalty phase of the litigation and Microsoft has been found guilty of violating Sections 1 and 2 of the Sherman Act.

By virtue of Microsoft's de facto monopoly of the Operating System (OS) market, I am compelled to use Microsoft products. I would not use those products if I had the choice. There are two reasons that I am forced to use Microsoft products. These reasons provide the rational for my proposed remedies.

First, an overwhelming majority people use the Microsoft OS and their associated office products. I must communicate with them. If I can not communicate, I will suffer a great economic loss. This is commonly referred to as a network effect and Microsoft has brilliantly exploited it. Second, because Microsoft has kept their software file formats and interfaces secret, others cannot functionally duplicate these products.

It is my belief, based on Microsoft's past actions, they they wish to extend their reach beyond the PC desktop to control of networking protocols for the Internet and act as its gate keeper. This is their ".net" initiative. This would have devastating consequences for the U.S. economy and security. Microsoft has stifled innovation by its monopolistic practices. Microsoft products are notorious for their lack of security and vulnerability to attack by the technical incompetents.

The remedies I propose in this case are:

- 1) All specifications for present and future Microsoft file formats and Operating System Application Programming Interfaces (API) should be made public. This will help insure that any data or documentation I create will be available to me in perpetuity. It will also allow others to create programs that can meaningfully compete with Microsoft products. Please make no mistake in my intent for this remedy. The specifications must be made part of the public domain. Restriction to "commercial" entities is simply wrong. Open Source software initiatives should be allowed to make use of this information. Again, my concern is for the availability and security of the

data that I create today going forward into the future.

- 2) Any Microsoft networking protocols must be published in the public domain and approved by an independent networking protocol body. I suggest the government request the Institute of Electrical and Electronics Engineers (IEEE) initially preside over such a networking protocol body as an independent and impartial organization. (In the spirit of full disclosure, I am a member of the IEEE.) Already I see Microsoft limiting access to web sites that do not use Internet Explorer. This remedy would help prevent Microsoft from partitioning the Internet into Microsoft and non-Microsoft spheres.
- 3) Microsoft products should not be bundled as a hidden cost of buying a computer. The choice of buying a computer without any Microsoft products must be present. The real cost of Microsoft products should be presented to the consumer. Without this, there will not be meaningful competition in the OS marketplace.
- 4) Microsoft should be prevented from entering into exclusive arrangements with computer vendors. These arrangements have been used as rewards and punishments of computer vendors in the past and serve only to maintain monopoly status for Microsoft.

Sincerely yours,

John W. Tiede

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